

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 2, 4, 5, 7-18, 21-31, 33-35 and 37 are currently pending in this application. Independent claims 1, 15, 29 and 33 are hereby amended in this response. Support for this amendment can be found throughout the application as originally filed.

No new matter has been introduced. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1, 2, 4, 5, 7-8, 10, 14-18, 21, 22, 24, 28-31, 33-35 and 37 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,619,247 to Russo (hereinafter, merely "Russo") in view of U.S. Patent No. 6,157,377 to Shah-Nazaroff et al. (hereinafter, merely "Shah-Nazaroff").

Claims 9, 11, 23 and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Russo in view of Shah-Nazaroff and in further view of U.S. Patent No. 5,790,236 to Hershtik et al. (hereinafter, merely “Hershtik”).

Claims 12, 13, 26 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Russo in view of Shah-Nazaroff and further in view of U.S. Patent No. 6,588,015 to Eyer et al. (hereinafter, merely “Eyer”).

III. RESPONSE TO REJECTIONS

Independent claim 1 recites, *inter alia*:

“An information recording apparatus comprising ...

wherein said fee charging means varies the amount of fee that is charged according to whether or not the disc drive device records the information for the disc reproducing apparatus, and the memory recording device records the information for the portable telephone.” (Emphasis added)

Claim 1 is patentable because the prior art used as a basis of rejection fails to teach the above identified feature of claim 1. Applicants respectfully submit that in fact none of the cited references, considered either alone or in combination, teach or suggest the above identified feature of claim 1. Specifically, neither Russo nor Shah-Nazaroff, considered either alone or in combination, disclose or suggest wherein said fee charging means varies the amount of fee that is charged according to whether or not the disc drive device records the information for the disc reproducing apparatus, and the memory recording device records the information for the portable telephone, as recited in claim 1.

Specifically, the features of varying the amount of fee that is charged according to whether or not the disc drive device records the information for the disc reproducing apparatus, and the memory recording device records the information for the portable telephone are not disclosed or suggested in any of the cited references considered either alone or in combination.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 15, 29 and 33 are also patentable.

Therefore, Applicants submit that independent claims 1, 15, 29 and 33 are patentable.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION


In view of the foregoing amendments and remarks, it is believed that all of the claims remaining in this application are patentable and Applicants respectfully request early passage to issue of the present application.

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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